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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,484	03/29/2004	Bruce Ahrens	018360270566	3252
826 7590 03/22/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER ROBERTSON, DAVID	
			ART UNIT 3623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/812,484		AHRENS ET AL.	
	Examiner		Art Unit	
	Dave Robertson		3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/24/05 4/05/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Examining claims 65-83, claims 1-64 having been cancelled by preliminary amendment of 03/23/2005.

Claim Objections

2. Claims 75 and 76 are objected to because of the following: Claim 75 has an apparent typographical error in the second element of the body, *receiving..said displayed first sorted [sic] data*. Examiner believes *stored* was intended. Claim 76 recites *The portable computer of claim 75...*, however, claim 75 is a method claim while claim 76 recites apparatus, two different statutory classes of invention. Examiner believes *The method of claim 75...* was intended.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 65-70, 72-79, and 81-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan et al (US Pat. Pub. 2003/0140021).

Claims 65 and 75

Ryan teaches a method of recording and evaluating a subordinate's work and facilitating management activities (see Summary) using a portable computer (a PDA ¶[0021]), including displaying first stored data relating to a first management activity at the worker's location (¶[0012] and from ¶[0027]); receiving and storing input data relating to stored first management activity data (¶[0012] and from ¶[0031]); and altering the display of a job method if input to a job method exceeds a predefined threshold (the timing of activities ¶[0045] "including...durations" and learning test scores, whereby "exceeding thresholds" of too much time and too low test scores triggers indications on the display). As for the claims reciting of iterations of receiving and storing data and receiving and storing input data relating to stored data, Ryan teaches an iterative method (see Figure 2) of directing the user (worker) to perform tasks and collecting activity data (used for management evaluation on the activity data) on the directed tasks. Ryan teaches the method as being performed at a given location and time (¶[0048]) or at potentially multiple work sites (¶[0049]), and therefore, with the above, teaches the elements of storing, displaying, receiving, and altering at second work locations.

Claims 66-68 and 76

Ryan teaches displaying one or more of a series of tasks (¶[0007]) each of which is related to the management activity of monitoring the workers performance of the tasks, the list of tasks (a plurality of work methods) being displayed (¶[0024]) on the display screen included in the module.

Claim 69

Ryan teaches receiving input data on the timing of activities (§[0045] "durations").

Claim 70

Ryan teaches receiving input data on the timing of activities (§[0045]) as in claim 69. Inherent in the display of actual time taken for at least one job method (task) is displaying the job method on the screen of the portable device, thus changing the "color" of the device from blank (or white), to letters (black), to enable the data to be viewed on the device.

Claims 72 and 73

Ryan teaches first and second management activities, safety training and performance training (see §[0044] performance evaluation and §[0008] used for corrective training on tasks "dangerous to the themselves and others"). It

Claim 74

Ryan teaches input received by the work module, "a desktop, laptop, or PDA" (§[0021]) having integral keyboards and commonly, stylus (for the PDA) input.

Claim 77

Ryan teaches a portable device (a PDA §[0021]) for facilitating the training and supervision of a subordinate (a worker) (see abstract), including a user interface, storage, screen, processor (see preferred hardware embodiments (from §[0020] and [0032]); and storage on the portable device (PDA) job methods for job elements of predetermined practices (see from §[0025]); receiving input related to performance and indicating when the worker is in need of training or instruction (see §[0010]. Ryan

teaches timing activities (§[0045] "including... durations") and learning test scores, whereby "exceeding thresholds" of too much time and too low test scores triggers indications of need.

Claims 78 and 79

Ryan teaches written descriptions and supervisor input downloaded to the portable device when supervisor input is indicative of failure to perform (§[0057]),

Claim 81

Ryan teaches a method of using a portable computer (e.g. a PDA §[0021]) for facilitating the training and supervision of a subordinate (a worker) (see abstract), the computer storing multiple job elements and multiple job methods (i.e. a plurality of job elements, methods, and practices), including displaying and receiving a plurality of job methods (see from §[0025]); altering the display of a job method if input to a job method exceeds a predefined threshold (the timing of activities §[0045] "including... durations" and learning test scores, whereby "exceeding thresholds" of too much time and too low test scores triggers indications on the display). Ryan teaches the method as being performed at a given location and time (§[0048]) or at potentially multiple work sites (§[0049]), and therefore, with the above, teaches the elements of storing, displaying, receiving, and altering at second work locations.

Claim 82

Ryan teaches selecting job methods and storing indications of workers failing to follow (success at completing a directed task) (see from §[0027]).

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Claim 83

Ryan stores written descriptions of job methods (§[0011] and from §[0025]) providing detailed information on the job methods the worker is to perform.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (US Pat. Pub. 2003/0140021).

Ryan teaches claims 69 and 70, as above, including altering the display of a job method if input to a job method exceeds a predefined threshold (the timing of activities §[0045] "including...durations" and whereby exceeding thresholds of job methods triggers indications on the display). However, Ryan does not expressly teach wherein a second color is one of a plurality of colors corresponding to a priority level based on an amount by which actual time exceeds a predetermined threshold. Official notice is taken It is old and well known in the art of computerized displays to indicate the importance or priority of information by a range of colors, thereby causing users to attend more quickly to higher priority information. The range or selection of multiple colors used to alert users to increasing need to attend to situations is typically according to well known norms of priority (red, yellow, orange, etc.); for example, displaying multiple colors when inputs exceed thresholds (nuclear plant operating levels, speed

and tachometer warning indicators, terrorist threat advisories, etc). It would have been obvious to one of ordinary skill at the time of invention to add such feature to the graphical display of Ryan, as indicating such priority in proportion to the amount of time the task exceeded a predetermined (allotted) time would have brought increased attention to the activity and served to heighten attention to urgency of completing the task within the allotted time.

7. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (US Pat. Pub. 2003/0140021) as applied to claim 77 above, and further in view of Hoshino (US Pat. 6,073,062).

Ryan teaches a method of using a portable device for monitoring the worker including work performed and monitored at potentially multiple work sites, suggesting also the monitoring device being "coupled to computer-controlled machinery which has data output capabilities which the worker must operate to complete a task directed by the system" (§[0033]). However, Ryan does not expressly teach input received from a sensor on a vehicle.

It is old and well known in the art of monitoring drivers of vehicles, e.g. a delivery truck drivers, to receive input into a mobile monitoring device, sensor information indicative of job performance for improving oversight of drivers using company vehicles. Hoshino, for example, expressly teaches speed monitoring (from a sensor) of a vehicle (a truck) input to a portable (mobile) device configured for receiving, displaying, and monitoring work instructions as in the art of Ryan and the present invention. Hoshino teaches sensing providing monitoring of potentially "wrong use" of transportation

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vehicles. See Hoshino, Background and column 2 at line 62. It would have been obvious to one of ordinary skill in the art at the time of the invention, given the suggestion by Ryan to interface the portable device to "machinery" and the explicit teaching by Hoshino of the advantages of monitor workers performing job methods in vehicles, i.e. that they do not speed, that the device and methods of Ryan could have been advantageously and successfully installed in a vehicle (a machine) to receive input from a sensor positioned on the vehicle (the speed sensor). This would have provided accurate and verifiable management monitoring of job performance related to safely operating a motor vehicle.

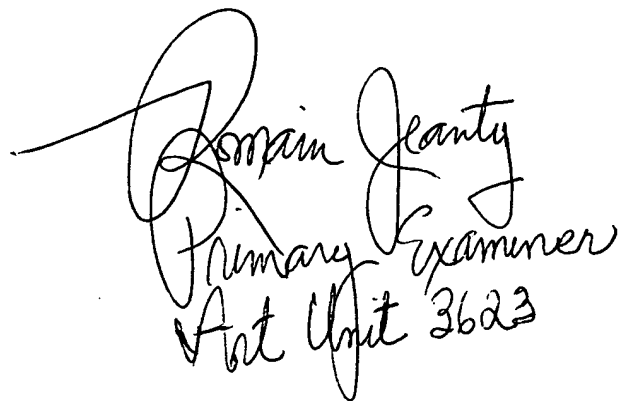
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is 571-272-8220. The examiner can normally be reached on 8:15am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dcr



Romina Leanty
Primary Examiner
Art Unit 3623